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FM SECSTATE WASHDC
TO RUEHKO/AMEMBASSY TOKYO IMMEDIATE 9351
INFO RUEHFK/AMCONSUL FUKUOKA IMMEDIATE 0950
RUEHNAG/AMCONSUL NAGOYA IMMEDIATE 0426
RUEHNH/AMCONSUL NAHA IMMEDIATE 1138
RUEHOK/AMCONSUL OSAKA KOBE IMMEDIATE 3642
RUEHKSO/AMCONSUL SAPPORO IMMEDIATE 0838

UNCLAS SECTION 01 OF 06 STATE 060443

SIPDIS

E.O. 12958: N/A

TAGS: [KTIP](#) [ELAB](#) [KCRM](#) [KPAO](#) [KWMN](#) [PGOV](#) [PHUM](#) [PREL](#) [SMIG](#) [JA](#)
SUBJECT: JAPAN -- 2009 TIP REPORT: PRESS GUIDANCE AND
DEMARCHE

REF: A. (A) STATE 59732
[B.](#) (B) STATE 005577

[1.](#) This is an action cable; see paras 5 through 7 and 10.

[2.](#) On June 16, 2009, at 10:00 a.m. EDT, the Secretary will release the 2009 Trafficking in Persons (TIP) Report at a press conference in the Department's press briefing room. This release will receive substantial coverage in domestic and foreign news outlets. Until the time of the Secretary's June 16 press conference, any public release of the Report or country narratives contained therein is prohibited.

[3.](#) The Department is hereby providing Post with advance press guidance to be used on June 16 or thereafter. Also provided is demarche language to be used in informing the Government of Japan of its tier ranking and the TIP Report's imminent release. The text of the TIP Report country narrative is provided, both for use in informing the Government of Japan and in any local media release by Post's public affairs section on June 16 or thereafter. Drawing on information provided below in paras 8 and 9, Post may provide the host government with the text of the TIP Report narrative no earlier than 1200 noon local time Monday June 15 for WHA, AF, EUR, and NEA countries and OOB local time Tuesday June 16 for SCA and EAP posts. Please note, however, that any public release of the Report's information should not/precede the Secretary's release at 10:00 am EDT on June 16.

[4.](#) The entire TIP Report will be available on-line at www.state.gov/g/tip shortly after the Secretary's June 16 release. Hard copies of the Report will be pouched to posts in all countries appearing on the Report. The Secretary's statement at the June 16 press event, and the statement of and fielding of media questions by G/TIP's Director and Senior Advisor to the Secretary, Ambassador-at-Large Luis CdeBaca, will be available on the Department's website shortly after the June 16 event. Ambassador de Baca will also hold a general briefing for officials of foreign embassies in Washington DC on June 17 at 3:30 pm EDT.

[5.](#) Action Request: No earlier than 12 noon local time on Monday June 15 for WHA, AF, EUR, and NEA posts and OOB local time on Tuesday June 16 for SCA and EAP posts, please inform the appropriate official in the Government of Japan of the June 16 release of the 2009 TIP Report, drawing on the points in para 9 (at Post's discretion) and including the text of the country narrative provided in para 8. For countries where the State Department has lowered the tier ranking, it is particularly important to advise governments prior to the Report being released in Washington on June 16.

[6.](#) Action Request continued: Please note that, for those countries which will not receive an "action plan" with specific recommendations for improvement, posts should draw host governments' attention to the areas for improvement

identified in the 2009 Report, especially highlighted in the "Recommendations" section of the second paragraph of the narrative text. This engagement is important to establishing the framework in which the government's performance will be judged for the 2010 Report. If posts have questions about which governments will receive an action plan, or how they may follow up on the recommendations in the 2009 Report, please contact G/TIP and the appropriate regional bureau.

¶7. Action Request continued: On June 16, please be prepared to answer media inquiries on the Report's release using the press guidance provided in para 11. If Post wishes, a local press statement may be released on or after 10:30 am EDT June 16, drawing on the press guidance and the text of the TIP Report's country narrative provided in para 8.

¶8. Begin Final Text of Japan,s country narrative in the 2009 TIP Report:

JAPAN (TIER 2)

Japan is one of several destinations and transit countries to which men, women, and children are trafficked for the purposes of forced labor and commercial sexual exploitation. Women and children from East Asia, Southeast Asia, Eastern Europe, Russia, South America, and Latin America are

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trafficked to Japan for commercial sexual exploitation and male and female migrant workers from China, Indonesia, the Philippines, Vietnam, and other Asian countries are sometimes subject to conditions of forced labor. Most officially identified trafficking victims are foreign women who migrate willingly to Japan seeking work, but are later subjected to debts of up to \$50,000 that make them vulnerable to trafficking for sexual exploitation or labor exploitation. A significant number of Japanese women and girls have also been reported as sex trafficking victims. During the last year, a number of Paraguayan children were trafficked to Japan for the purpose of forced labor. Traffickers occasionally use debts to coerce migrants into prostitution in Japan,s large sex trade. Many foreign and Japanese women initially enter the sex industry voluntarily, only to find themselves victims of involuntary servitude. In addition to severe economic coercion, trafficked women are sometimes subjected to coercive or violent physical and psychological methods to prevent them from seeking assistance or escaping. Most independent observers and organized crime experts believe that organized crime syndicates (the Yakuza) continue to play a significant role in trafficking, both directly and indirectly. Traffickers are increasingly targeting Japanese women and girls for coerced exploitation in pornography and the sex industry. Female victims, both foreign and Japanese, are often reluctant to seek help from authorities for fear of shame or of reprisals by their traffickers. Japan is also a transit country for persons trafficked from East Asia to North America. Japanese men continue to be a significant source of demand for child sex tourism in Southeast Asia.

The Government of Japan does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. The government increased the number of sex trafficking prosecutions initiated in 2008, yet most convicted offenders of trafficking were given suspended sentences. Japan has not yet effectively addressed the problem of trafficking for labor exploitation. The government,s efforts to identify victims of trafficking remained inadequate.

Recommendations for Japan: Expand proactive law enforcement efforts to investigate trafficking in commercial sex businesses, especially in rural areas and including call-girl services(&delivery health8), &enjo-kosai8; (compensated dating) sites, and social networking sites; establish and implement formal victim identification procedures and train

personnel who have contact with individuals arrested for prostitution, foreign trainees, or other migrants on the use of these procedures to identify a greater number of trafficking victims; ensure that victims are not punished for crimes committed as a direct result of being trafficked; increase prosecutions for labor trafficking; send periodic formal instructions to the National Police Agency and to Japanese embassies and consulates instructing officials to cooperate with foreign authorities in investigating Japanese nationals involved in possible child sexual exploitation; continue to increase the availability and use of translation services and psychological counselors with native language ability at shelters for victims; and inform all identified victims of the availability of free legal assistance and options for immigration relief.

Prosecution

The Government of Japan demonstrated some law enforcement efforts to combat trafficking in the last year, but did not impose adequate sentences for most convicted trafficking offenders. The government did not adequately address the problem of trafficking for labor exploitation during the reporting period. The government reported 29 prosecutions and 13 convictions in 2008, all of which were for sex trafficking offenses. This is compared to 11 prosecutions and 12 convictions in 2007. Offenders received sentences ranging from six months to four years, imprisonment with labor. Eleven of the 13 convicted offenders received suspended sentences, however, and were not punished with imprisonment. The government did not sufficiently pursue investigations, prosecutions, and convictions of organized crime groups engaged both directly and indirectly in trafficking. Arrests tend to be limited to street level operators. Japan's 2005 amendment to its criminal code and a variety of other criminal code articles and laws, including the Labor Standards Law, the Prostitution Prevention Law, the Child Welfare Law, and the Law for Punishing Acts Related to Child Prostitution and Child Pornography criminalize trafficking and a wide range of related activities. However, it is unclear if the existing legal framework is sufficiently

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comprehensive to criminalize all severe forms of trafficking in persons. The 2005 criminal code amendment prescribes penalties of up to seven years, imprisonment, which is sufficiently stringent. Application of these statutes, however, has been hindered by the difficulty of establishing the level of documentary evidence required for proving a trafficking crime. Labor exploitation, including forced labor, continues to be widely reported by labor unions, NGOs, shelters, and the media. Based on calls to government-sponsored assistance hotlines, NGOs estimate that approximately five percent, or over 3,400 foreign workers recruited as &trainees8 in 2008, were potential victims of labor trafficking. The Immigration Bureau and Labor Standard Inspection Bodies continued to report hundreds of abuses by companies involved in the Industrial Trainee and Technical Internship Program (the &foreign trainee program8). Some reported abuses included fraudulent terms of employment, restrictions on movement, withholding of salary payments, and debt bondage. According to labor rights groups trainees sometimes had their travel documents taken from them and their movement controlled to prevent escape. In a few companies, trainees were reportedly forced to work unpaid overtime, and wages were automatically deposited into company controlled accounts, despite the illegality of such forced deposits. There were no convictions for labor trafficking during the reporting period. The government is beginning to exhibit efforts to monitor and regulate its foreign trainee program, though it has not yet taken steps to investigate, prosecute, and convict any potential offenders of labor trafficking in the program. NGOs working with illegal workers in Japan reported the government's reluctance to consider any illegal workers as trafficking victims, defining them instead as victims of contract fraud. During the

reporting period, there was a media report of an ex-government official accepting a \$54,000 bribe to use government connections to facilitate the granting of entertainment visas to 280 Filipina women who were to perform in charity concerts but ended up working as hostesses in bars. Officials in the Department of Justice and the Ministry of Foreign Affairs granted the visas. The government has not investigated or prosecuted any individuals allegedly involved in this possible trafficking-related corruption case, citing a lack of evidence.

Protection

Victim protection remained inadequate during the reporting period. The number of trafficking victims identified by the Japanese government declined for the third consecutive year. Law enforcement authorities identified 36 victims in 2008, down from 43 victims in 2007, 58 in 2006, and 116 in 2005. This number is thought to be disproportionately low relative to the suspected magnitude of Japan's trafficking problem. Despite reports by both official and private entities of labor exploitation, the government only identified one victim of labor trafficking in 2008, which was associated with a sex trafficking case. NGOs working with trafficking victims continue to express concerns based on interaction with trafficking victims that the government is not sufficiently proactive in searching for victims among vulnerable populations such as foreign workers and foreign women in the sex trade. Expanded government collaboration with NGOs is likely one of the most effective tools the government has available in its efforts to combat trafficking. The government repatriated 18 of 36 identified trafficking victims without referring them to IOM for risk assessment and formal repatriation processing in 2008. According to the government, these early repatriations were at the request of the victim. Japan does not have formal victim identification procedures, nor does it dedicate government law enforcement or social services personnel solely to the human trafficking issue. During the reporting period, the Immigration Bureau created a database of trafficking cases. NGOs familiar with regular training courses given to police, judges, and prosecutors, expressed the desire that such courses be further improved, as some potential victims appear to have been punished for crimes committed as a direct result of being trafficked, including for immigration violations. The government does not appear to consistently recognize victims who initially enter into the commercial sex industry willingly, but later find themselves to be victims of trafficking. In October 2008, police conducted a raid on a commercial sex establishment and identified 12 Thai trafficking victims. Three women who may also have been trafficking victims were not taken into custody because they were not considered illegal immigrants. These three have since overstayed their visas and are missing, indicating the need for greater law enforcement training on victim

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identification, quick access to trained, native language trafficking counselors to overcome the distrust of police commonly found in potential victims, and better incentives offered by the Government of Japan to potential victims in terms of retraining and the possibility of legal avenues of employment.

Thirty of the 33 identified trafficking victims in 2008 were housed in government shelters) Women,s Consulting Centers (WCCs). The victims had access to subsidized medical care and some victims received psychological care while in the WCCs. While in shelters or assisting in trials, victims have never been permitted to obtain employment or otherwise generate income. This lack of opportunity to generate income, coupled with the trauma of being a victim of trafficking, is a likely factor leading most victims to agree to repatriation to their home country. NGOs report that, although the government encouraged victims to assist in the investigation and prosecution of trafficking crimes, the

government did not provide victims with an environment conducive to cooperation. While the government can legally provide incentives for cooperation, such as the opportunity to work, there were no victims who were provided this type of assistance in 2008. To date there have been no reported cases where the government provided legal assistance to a trafficking victim. The government has the capacity to provide long-term residency visas for trafficking victims, but no foreign trafficking victim has been granted such a visa as yet. Japan continued to provide the IOM \$300,000 a year for repatriation and reintegration assistance.

Prevention

The Government of Japan continued to improve its efforts to increase awareness of trafficking during the reporting period. The government continued distribution of approximately 30,000 posters and 50,000 leaflets to local governments, embassies, airports, harbors, and NGOs. The Immigration Bureau continued to distribute trafficking awareness leaflets in five languages. The National Police University began to teach classes and seminars on trafficking during the reporting period. In order to reduce Japanese demand for child sex tourism, the government displayed posters on child sex tourism in airports and at harbor facilities. A significant number of Japanese men continue to travel to other Asian countries, particularly the Philippines, Cambodia, and Thailand, to engage in sex with children. Despite Japanese courts, extraterritorial jurisdiction over Japanese nationals who have sexually exploited children in a foreign country, the government did not prosecute any Japanese nationals for child sex tourism during the reporting period. This also is an area that is cause for concern. The government conducted periodic police raids of prostitution establishments, including some raids on Internet-based forms of commercial sex, but did not make any other efforts to reduce the demand for commercial sex acts. During the reporting period, the government began funding a \$5 million project to protect victims of trafficking in Southeast Asia, and continued to fund a number of other anti-trafficking projects around the world. Japan has not ratified the 2000 UN TIP Protocol.

19. Post may wish to deliver the following points, which offer technical and legal background on the TIP Report process, to the host government as a non-paper with the above TIP Report country narrative:

(begin non-paper)

-- The U.S. Congress, through its passage of the 2000 Trafficking Victims Protection Act, as amended (TVPA), requires the Secretary of State to submit an annual Report to Congress. The goal of this Report is to stimulate action and create partnerships around the world in the fight against modern-day slavery. The USG approach to combating human trafficking follows the TVPA and the standards set forth in the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime (commonly known as the "Palermo Protocol"). The TVPA and the Palermo Protocol recognize that this is a crime in which the victims, labor or services (including in the "sex industry") are obtained or maintained through force, fraud, or coercion, whether overt or through psychological manipulation. While much attention has focused on international flows, both the TVPA and the Palermo Protocol focus on the exploitation of the victim, and do not require a showing that the victim was moved.

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-- Recent amendments to the TVPA removed the requirement that only countries with a "significant number" of trafficking victims be included in the Report. Beginning with the 2009 TIP Report, countries determined to be a country of origin, transit, or destination for victims of severe forms of

trafficking are included in the Report and assigned to one of three tiers. Countries assessed as meeting the "minimum standards for the elimination of severe forms of trafficking" set forth in the TVPA are classified as Tier 1. Countries assessed as not fully complying with the minimum standards, but making significant efforts to meet those minimum standards are classified as Tier 2. Countries assessed as neither complying with the minimum standards nor making significant efforts to do so are classified as Tier 3.

-- The TVPA also requires the Secretary of State to provide a "Special Watch List" to Congress later in the year. Anti-trafficking efforts of the countries on this list are to be evaluated again in an Interim Assessment that the Secretary of State must provide to Congress by February 1 of each year. Countries are included on the "Special Watch List" if they move up in "tier" rankings in the annual TIP Report -- from 3 to 2 or from 2 to 1) or if they have been placed on the Tier 2 Watch List.

-- Tier 2 Watch List consists of Tier 2 countries determined: (1) not to have made "increasing efforts" to combat human trafficking over the past year; (2) to be making significant efforts based on commitments of anti-trafficking reforms over the next year, or (3) to have a very significant number of trafficking victims or a significantly increasing victim population. As indicated in reftel B, the TVPRA of 2008 contains a provision requiring that a country that has been included on Tier 2 Watch List for two consecutive years after the date of enactment of the TVPRA of 2008 be ranked as Tier 3. Thus, any automatic downgrade to Tier 3 pursuant to this provision would take place, at the earliest, in the 2011 TIP Report (i.e., a country would have to be ranked Tier 2 Watch List in the 2009 and 2010 Reports before being subject to Tier 3 in the 2011 Report). The new law allows for a waiver of this provision for up to two additional years upon a determination by the President that the country has developed and devoted sufficient resources to a written plan to make significant efforts to bring itself into compliance with the minimum standards.

-- Countries classified as Tier 3 may be subject to statutory restrictions for the subsequent fiscal year on non-humanitarian and non-trade-related foreign assistance and, in some circumstances, withholding of funding for participation by government officials or employees in educational and cultural exchange programs. In addition, the President could instruct the U.S. executive directors to international financial institutions to oppose loans or other utilization of funds (other than for humanitarian, trade-related or certain types of development assistance) with respect to countries on Tier 3. Countries classified as Tier 3 that take strong action within 90 days of the Report's release to show significant efforts against trafficking in persons, and thereby warrant a reassessment of their Tier classification, would avoid such sanctions. Guidelines for such actions are in the DOS-crafted action plans to be shared by Posts with host governments.

-- The 2009 TIP Report, issuing as it does in the midst of the global financial crisis, highlights high levels of trafficking for forced labor in many parts of the world and systemic contributing factors to this phenomenon: fraudulent recruitment practices and excessive recruiting fees in workers, home countries; the lack of adequate labor protections in both sending and receiving countries; and the flawed design of some destination countries, "sponsorship systems" that do not give foreign workers adequate legal recourse when faced with conditions of forced labor. As the May 2009 ILO Global Report on Forced Labor concluded, forced labor victims suffer approximately \$20 billion in losses, and traffickers, profits are estimated at \$31 billion. The current global financial crisis threatens to increase the number of victims of forced labor and increase the associated "cost of coercion."

-- The text of the TVPA and amendments can be found on website www.state.gov/g/tip.

-- On June 16, 2009, the Secretary of State will release the ninth annual TIP Report in a public event at the State Department. We are providing you an advance copy of your

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country's narrative in that report. Please keep this information embargoed until 10:00 am Washington DC time June 16. The State Department will also hold a general briefing for officials of foreign embassies in Washington DC on June 17 at 3:30 pm EDT.

(end non-paper)

¶10. Posts should make sure that the relevant country narrative is readily available on or through the Mission's web page in English and appropriate local language(s) as soon as possible after the TIP Report is released. Funding for translation costs will be handled as it was for the Human Rights Report. Posts needing financial assistance for translation costs should contact their regional bureau's EX office.

¶11. The following is press guidance provided for Post to use with local media.

Q1: Why was Japan again given a ranking of Tier 2?

A: The Government of Japan does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. The government increased the number of sex trafficking prosecutions initiated in 2008, yet most convicted offenders of trafficking were given suspended sentences. Japan has not yet effectively addressed the problem of trafficking for labor exploitation. The government's efforts to identify victims of trafficking remained inadequate.

Q2: What progress has Japan made in the past year?

A: The government reported 29 prosecutions and 13 convictions in 2008, all of which were for sex trafficking offenses. This is an increase from 11 prosecutions and 12 convictions in 2007. The government continued distribution of approximately 30,000 posters and 50,000 leaflets to local governments, embassies, airports, harbors, and NGOs. The Immigration Bureau continued to distribute trafficking awareness leaflets in five languages. The National Police University began to teach classes and seminars on trafficking during the reporting period. In order to reduce Japanese demand for child sex tourism, the government displayed posters on child sex tourism in airports and at harbor facilities. During the reporting period, the government began funding a \$5 million project to protect victims of trafficking in Southeast Asia, and continued to fund a number of other anti-trafficking projects around the world.

Q3: What efforts could Japan make to improve its fight against trafficking in persons?

A: The Government of Japan could: expand proactive law enforcement efforts to investigate trafficking in commercial sex businesses, especially in rural areas and including call-girl services (&delivery health), &enjo-kosai (compensated dating) sites, and social networking sites; establish and implement formal victim identification procedures and train personnel who have contact with individuals arrested for prostitution, foreign trainees, or other migrants on the use of these procedures to identify a greater number of trafficking victims; ensure that victims are not punished for crimes committed as a direct result of being trafficked; increase prosecutions for labor trafficking; send periodic formal instructions to the National Police Agency and to Japanese Embassies and Consulates instructing officials to cooperate with foreign authorities in investigating Japanese nationals involved in possible child sexual exploitation; continue to increase the

availability and use of translation services and psychological counselors with native language ability at shelters for victims; and inform all identified victims of the availability of free legal assistance, and options for immigration relief.

¶12. The Department appreciates posts, assistance with the preceding action requests.

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